

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

UNITED STATES OF AMERICA §
§
vs. § NO: WA:20-CR-00138(1)-ADA
§
(1) MYCAL VANDIA TERRY §

ORDER ACCEPTING REPORT AND RECOMMENDATION -
OF THE UNITED STATES MAGISTRATE JUDGE

Before the court is the above styled and numbered cause. On December 5, 2023 the United States Probation Office filed a Petition For Warrant or Summons For Offender Under Supervision for Defendant (1) MYCAL VANDIA TERRY, which alleged that Terry violated a condition of his supervised release and recommended that Terry's supervised release be revoked (Clerk's Document No. 70). A warrant issued and Terry was arrested. On December 15, 2023, Terry appeared before a United States Magistrate Judge, was ordered detained, and a revocation of supervised release hearing was set..

Terry appeared before the magistrate judge on January 4, 2024, waived his right to a preliminary hearing and to be present before the United States District Judge at the time of modification of sentence, and consented to allocution before the magistrate judge. Following the hearing, the magistrate judge signed his report and recommendation on January 4, 2024, which provides that having carefully considered all of the arguments and evidence presented by the Government and Defendant, based on the original offense

and the intervening conduct of Terry, the magistrate judge recommends that this court revoke Terry supervised release and that Terry be sentenced to imprisonment for Six (6) months, with a term of Twenty-Eight (28) months of supervised release to follow the term of imprisonment (Clerk's Document No. 83). Defendant should be given credit for time served. At the conclusion of the six (6) months in custody, the Defendant is also ORDERED to attend substance abuse and mental health treatment with providers acceptable to the United States Probation Office.

A party may serve and file specific, written objections to the proposed findings and recommendations of a magistrate judge within fourteen days after being served with a copy of the report and recommendation, and thereby secure a *de novo* review by the district court. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A party's failure to timely file written objections to the proposed findings, conclusions, and recommendation in a report and recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *Douglass v. United Services Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (*en banc*). The parties in this cause were properly notified of the consequences of a failure to file objections.

On January 4, 2024, following the hearing on the motion to revoke supervised release, all parties signed a Waiver Of Fourteen Day Rule For Filing Objections To Report and Recommendation Of United States Magistrate Judge (Clerk's Document No.

80). The court, having reviewed the entire record and finding no plain error, accepts and adopts the report and recommendation filed in this cause.

IT IS THEREFORE ORDERED that the Report and Recommendation of the United States Magistrate Judge filed in this cause (Clerk's Document No. 83) is hereby ACCEPTED AND ADOPTED by this court.

IT IS FURTHER ORDERED that Defendant (1) MYCAL VANDIA TERRY 's term of supervised release is hereby REVOKED.

IT IS FURTHER ORDERED that Defendant (1) MYCAL VANDIA TERRY be imprisoned for Six (6)months with a term of supervised release of Twenty-Eight (28) months to follow the term of imprisonment. All prior conditions of supervised release are reimposed. The defendant should be given credit for time already served. At the conclusion of the six (6) months in custody, the Defendant is also ORDERED to attend substance abuse and mental health treatment with providers acceptable to the United States Probation Office.

Signed this 4th day of January, 2024.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE